

REMARKS

Claims 1-2, 4 and 10 stand rejected under 35 USC 103(a) as unpatentable over Goodson. The rejection is respectfully traversed.

In Response to Arguments, beginning on page 2 of the Office Action, the Examiner disagrees with Applicant's arguments and states that "Goodson teaches determining in a test setup (during the training period, col. 10, line 9-10) and storing in a table at least one transmission method...for different line parameters of lines (col. 9, lines 42-67, col. 1-20)." Applicants respectfully disagree.

The Examiner appears to equate the test setup the training period of Goodson (col. 10, lines 9-10). While there is disclosure of a training period in Goodson, the training period is performed each time a connection is started to harmonize the two communication partners. A test setup, on the other hand, is performed once and not each time before a connection is established. In the instant invention, the test uses a test setup which can be performed in a test rig, see for example page 6 of the specification. During this test setup, a table is filled with results of the test. Subsequently, each time before a connection is established, the current line parameters are measured and the results are compared with the values in the table. Hence, two independent steps of determining line parameters are performed- the first is a test for all possible line parameters (i.e. stored line parameters), and the second for individual measurement of the actual line parameters (i.e. measured line parameters), as required by the claims.

Additionally, the Examiner states that Goodson fails to disclose "determining and storing in a table at least one transmission method with at least one transmission speed that represents a maximum data throughput rate for different line parameters of lines" but that "one of ordinary skill in the art would recognize that each mode (such as modems 100 and 101) may communicate with more than one other modem." Applicants respectfully disagree. While modems may communicate with more than one modem, this does not account for the ability to determine and store the transmission method in a table that includes the transmission speed representative of a maximum data throughput rate for the determined and measured different stored line parameters. The ability to communicate with multiple sources does not equate to the ability to store a table providing such features.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-92.

Respectfully submitted,

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